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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,687	09/22/2003	Michelle L. Mathis	4394-A1	9382

7590 08/27/2004

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,687

Applicant(s)

MATHIS, MICHELLE L.

Examiner

Robert G. Santos

Art Unit

3673

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09222003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Landwirth '817 (note especially Figures 1-5; column 2, lines 3-21; and column 3, lines 1-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '449 in view of Bowman '008. Smith '449 shows all the limitations as recited in claims 1-5 and 14-17 (note especially Figure 1 and column 3, lines 25-39) except for the use of a body-supporting harness assembly attached to the base and located atop the inclined surface, which is movable between a first body supporting position away from the general horizontal surface and a second position toward the generally horizontal surface. Bowman '008 provides the basic teaching of an infant supporting apparatus (20) including a base (21) having an inclined surface

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(22) and a body-supporting harness assembly (60) selectively and movably attached thereto (as described in column 5, lines 28-68 and in column 6, lines 1-14 & 42-60) and located atop the inclined surface (as shown in Figures 1, 2 & 8). The skilled artisan would have found it obvious at the time the invention was made to provide the infant supporting apparatus of Smith '449 with a body-supporting harness assembly attached to the base and located atop the inclined surface, which is movable between a first body supporting position away from the general horizontal surface and a second position toward the generally horizontal surface, in order to ensure further that an infant supported thereon remains securely in place and also to allow for infants of varying sizes to be comfortably supported thereon.

)

Claims 6-13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '449 in view of Bowman '008, and further in view of Clute '642. Smith '449, as modified by Bowman '008, lacks the use of a vibrator attached to the base through a pocket extending into the base underneath the generally horizontal surface. Clute '642 provides the basic teaching of an infant supporting apparatus (100) comprising a vibrator (140) attached thereto through a pocket extending therein (136). The skilled artisan would have found it obvious at the time the invention was made to provide the infant supporting apparatus of Smith '449, as modified by Bowman '008, with a vibrator attached to the base through a pocket extending into the base underneath the generally horizontal surface in order to "soothe and comfort, and thus lure an infant retained [thereon] to sleep" (see Clute '642, column 1, lines 28-30).

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Vuuren '408, Hilton '294, Patton et al. '640, Patton et al. '699, Edlund '925, Scott '487, McGrath-Saleh '244 and Guimond '767.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
August 24, 2004

1 INFORMATION DISCLOSURE STATEMENT

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3 TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

4
5 Your applicant, Michelle L. Mathis, inventor of *CHILD*
6 *LOUNGE*, application for which is submitted concurrently herewith
7 (MWG Docket No. 4394-A1), as a duty of candor and good faith
8 toward the United States Patent and Trademark Office, by and
9 through the undersigned Attorney, hereby submits her information
10 disclosure statement in compliance with 37 C.F.R. 1.56.

11
12 Applicant is aware of references listed in the attached
13 Form PTO1449.

14 Respectfully submitted,

15 
16 Michael W. Goltry

17 Attorney for Applicant

18 Registration No. 39,692

19 9/22/2003
20 DATE

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